

**TOWN OF KITTERY  
PLANNING BOARD MEETING**

Thursday, February 10, 2005

APPROVED  
Council Chambers

Meeting called to order at: 6:12 p.m.

Present: Doug Muir, Ron Ledgett, Chairman Russell White, Scott Mangiafico, Janet Gagner, Megan Kline, Jerry Solich

Also present: Town Planner, Jim Noel

**1. ROLL CALL**

Roll call noted.

**2. APPROVAL OF PREVIOUS MEETING MINUTES**

The review and approval of the minutes of December 16, 2004, and January 27, 2004, were deferred until the next meeting.

**3. DISCUSSION**

Chairman White has amendments to Lighting and to the Mixed Use that he will give to Planner Noel tonight.

Planner Noel says that in the packet provided is the new lighting submission.

**A. Mixed Use**

There is a discussion about the phrase “see the design handbook.” Mr. Solich would like it to say to see the design handbook for an example. Mr. Ledgett would like it to say “consider” rather than “see”. Chairman White says that “see” is used in legal documents, such as when one cites to a case.

Mr. Solich suggests a quick review to make sure the citations make sense, which the Board does.

- *Page 3, paragraph 3, screening is spelled wrong.*

Mr. Muir raises a concern about the use of “acceptable” versus “appropriate”. Chairman White sees acceptable as above the minimum standard and appropriate is the right standard. Mr. Muir feels appropriate could be like socially appropriate, morally appropriate. Mr. Mangiafico thinks

it is an English language difference. Mr. Solich says that there is acceptable and not acceptable, and then appropriate. After reviewing the document, the consensus is to leave it as it is.

- *Page 11, housing for the elderly. Change “locational” to “location suitability”.*
- *On page 11, change almost all the “will”s to “shall”s.*
- *“The elderly housing component must be an essential component of the mixed use project and shall...” It must be clear that if they are proposing it, this language applies. Mr. Muir read this to say that a mixed use project must contain elderly housing.*

There is a concern re: the requirement that a greenhouse not being visible from Route 1. Could we just say that it will be visually buffered? The concern is that it could turn out like the storage unit where the visible buffers were short and died. Mr. Mangiafico says that we do not have this requirement for any other building. Mr. Ledgett points out that the big concern is the lantern effect of a greenhouse and the effect it could have on neighboring properties. However, Mr. Mangiafico and Ms. Kline believe a lit parking lot is equally, if not more, intrusive. Ms. Kline and Chairman White think that greenhouse owners will object to being singled out. Chairman White suggests defining levels of buffering in the ordinance. Ms. Kline says we tried to do that and it was hard.

- *Consensus is reached that requiring greenhouses to be visually buffered will be sufficient. Crossed out B. C on the next page becomes B. Outdoor storage areas will also be visually buffered from Route 1 and adjacent properties.*

Chairman White wants a limitation on light levels. Mr. Ledgett says that the line of sight makes a difference.

- *Mr. Muir thinks it should read that “the internal lighting shall not be visible”.*
- *After some discussion, consensus is reached that the 400' requirement in E, that greenhouses may not be located within 400' of an existing structure, should be reduced to 200'.*

After discussion, it is decided to leave the 250 foot setback as is.

Ms. Kline is concerned that with these regulations, we are telling light industry that they can't do anything with their front property. She believes we'll end up with a lot of tiny lots on Route 1.

The Board intends to have people walking around in MU.

Ms. Kline suggests requiring the maintenance of existing vegetation to use as a buffer. Ms. Gagner would like to see no specific limit, but have it visually screened by other uses. Ms. Kline and Mr. Ledgett would like a requirement that it be visually screened by a vegetative buffer. Mr. Solich would like a minimum setback, and have it visually screened by companion uses or a vegetative buffer. Mr. Mangiafico thinks that if you haven't developed the front of the place for another use, you need to keep it natural.

## **B. Lighting Design Handbook**

- *The page numbers are wrong in the contents. It should go: 2,5, 6, 8, 9, 10.*
- *On page 2 - “lighting shall encourage activity after sunset” Change to “shall allow”.*
- *Chairman White raises a concern as to whether the Septemberfest search lights be*

*allowed under this ordinance. If they would not be, Mr. Muir suggests putting something in that allows them to be used if you get permission first.*

- *After some discussion, it is determined that a definition of luminaire should be added to the ordinance.*

Ms. Kline references the first picture under objectives. The light pole is odd. It's up in the roof line. Ms. Kline is curious that they chose this picture.

Mr. Mangiafico doesn't like the height of the pole in the second photo. Ms. Kline says that is like the Irving Gas Station in Eliot and they are 20' up. One of the things it does is to make a flood of light. They are appropriate, but may not be a personal favorite. Chairman White says that using the Kennebunk Savings Bank as an example, we could ask for better shielding with the same design of light pole.

- *On page 4, the lights from Stonewall Kitchen should be replaced with pictures of the lights at York Hospital, close to the laboratory entrance. The Stonewall Kitchen filaments stick out and are unshielded and blinding.*
- *On page 4, the Circuit City photo encourages excess lighting. This needs to be replaced with a photo showing appropriate lighting.*

After discussion it is decided to keep the Wal-Mart picture on page 6.

- *On page 6, it should say that the base is part of the pole, going from the ground. We do show it and define it from the ground in the ordinance. We define it as well already. Mr. Ledgett says that the picture could show the protective base.*
- *On pages 1 and 7, crop out the portion of the picture with the light reflecting off the wall.*
- *On page 7, after discussion, it is decided to take out the middle picture on the left hand side (Timberland). We do not want to encourage that, as the only time we would allow that is in a back lot, like at the Trading Post.*
- *On page 5, OBJECTIVES, delete the reference to using a minimum number of poles.*

### **C. Commercial**

- *In the Commercial Districts, we still need to specify the beginning and end of the zones. We need to get a highly detailed map and set the zone boundaries. Mr. Mangiafico recommended walking the boundaries.*

Included in the list of potential boundaries are the center of a road or right of way, even though they are not always in the same location.

- *Add a definition for shop in pursuit of trades*
- *Add a definition for service establishment and give examples, same as in MU.*

Ms. Kline says that Town Council wants to know whether service establishments would include mechanical services. Mechanical services are included in C2 and C3, but not in C1. C1 is basically the mall subzone. Ms. Kline says that then "service establishments" cannot include mechanical services. Mr. Ledgett says that "service establishments" are separately defined in MU and moved to special exceptions. Mr. Mangiafico says that we allowed them as a special exception in one zone and a permitted use in another.

- *Change g to retail and wholesale only. Put h below for service establishments.*

- *Mr. Mangiafico says that we need to define regular “service establishments” and “mechanical service” separately. “Mechanical service” is more heavy grade and a service establishment is more like watches, etc. We need to make sure that exclusion stays in the code.*
- *It is “mechanical service”, not mechanical service establishment.*
- *Commercial boating and fishing should be defined. Chairman White would like Mr. Ledgett to e-mail some language to define commercial boating and fishing. Mr. Ledgett will see if he can find it, but Mark can also make it up.*
- *On the first page, add “inn” after “hotel, motel, rooming house, and”.*
- *On page 1, school, (including day nursery) should be changed to nursery school.*

Town Council would like to cross-reference to the definition section, but to do that in each instance would double the size of the document. Every word that is not self-defining, such as church or hospital, should be defined.

- *On pages 1 and 2, paragraphs a and s should be consolidated under the same heading: Public recreation open space uses and facilities; recreational facilities; and selected commercial recreation.*
- *On page 2, scratch out “additional uses” and put “The following uses are additional permitted uses in the C-2 and C-3 subdistricts.”*

There is discussion again about putting in a phrase that makes it clear that if it is not provided for in the code, then it is not allowed.

There is a discussion as to whether motor vehicle sales can be limited to new motor vehicle sales, as provided for in C-2 and C-3. We can say auctions are not permitted. Mr. Ledgett says the definition actually says that the person’s primary business is new vehicles. Mr. Ledgett, Chairman White, and Mr. Mangiafico think that new motor vehicle sales is a cleaner type of business than used. You can sell both new and used cars.

The ordinance already defines repair services separately, with garages, so that is why it is separate.

Break at 8:32.

Reconvened at 8:42.

#### **4. PUBLIC COMMENTS**

None.

#### **4. SKETCH PLAN: CLD CONSULTING ENGINEERS FOR LYNN SEWARD PORTSMOUTH, NH. WETLAND ALTERATION TO ACCESS A BUILDING SITE ON 11.5 ACRE PARCEL LOCATED ON BARTLETT RD. MAP 56 LOT 12, ZONED RURAL RESIDENCE**

Jim Marquisi is here to represent Ms. Seward. She is looking to put one single family dwelling

on the lot, due to wetlands and required setbacks. She will be using the trail system already on the lot. She will upgrade it to allow year-round access to the parcel.

Chairman White asks if it is a permitted use in the zone and if she needs wetland crossing to access the buildable area of the parcel.

Mr. Marquisi says that is correct.

Chairman White says that with the weather and the hour, the Board will give 10 minutes per sketch.

Mr. Marquisi indicates that the applicant is looking to do a gravel way across from her home to the septic system. PS stands for proposed sewer. In the packet is the septic system design.

Mr. Mangiafico says that will impact the wetland, even if it is a temporary impact.

Mr. Marquisi says the temporary impact area is 1,400 sf.

Chairman White asks if the Board needs additional information for this.

Mr. Solich says that in the last wetland crossing proposal that we looked at, we identified using an arch culvert that they ended up using. Is this time to ask for that?

Chairman White asks if it is an existing woods road now.

Mr. Marquisi says it's an area that naturally floods in season, but it is not tidal.

Chairman White says that we want a copy of the plans to go to KCC (Kittery Conservation Commission).

Planner Noel has done that already.

Mr. Ledgett says the zones of impact for road and septic are large compared to the usable area of the lot. This is a teeny little building area in the middle of this wetland. To use it, they have to impact wetland on both sides. They can't do a septic system at the building site and must cross another wetland to get there.

Chairman White clarifies the type of pipe. Would the wetland function be altered in a permanent way by trenching and refilling?

Mr. Ledgett thinks it's possible that the wetland function could be altered.

Chairman White thinks it depends on how you do it. If you use something with a light footprint...

Mr. Solich says that they will still need big vehicles to dig the septic system.

Chairman White thinks that the applicant could get in another way - Charles Hill Road.

Mr. Ledgett says there will be an equally big impact whatever access route you pick and how do you get there without impacting more wetland. He wants to know how to get the equipment in and out and what kind of equipment it is.

Ms. Gagner says the narrative speaks somewhat to that.

Mr. Ledgett asks if it is the two-page document that is attached to the sketch.

Ms. Gagner refers to the back area.

Mr. Ledgett says it does not really discuss access.

Chairman White thinks it's a well put together package. If the Board thinks there are points that need to be addressed, it can quickly indicate them. We've mentioned a few.

Mr. Muir asks if the applicant could develop the back parcel, with access off of Charles Hill Road.

Mr. Marquisi says Charles Hill Road is a gravel road, and there is also wetland impact. She has an 11-acre parcel and wants one house lot.

Mr. Muir does not know that our major concern is where she would like to be in the lot. We have to look at the wetland impact.

Chairman White says that we must ask if there is no practicable alternative. Those are the types of questions we will ask.

Mr. Ledgett says the whole thrust of this part of the code is to minimize the wetland impact.

Mr. Ledgett says we need a site walk.

Chairman White asks about doing one in early March.

Mr. Ledgett thinks we need to see it with the snow not there.

Mr. Marquisi says the applicant has a contractor ready. The buildable area is flagged on site. The applicant says that area is still flagged.

Chairman White asks about the timing of the site walk for the Board.

Planner Noel says that there is not likely to be an agenda spot open for this application until May.

Ms. Kline says to keep this on the list so we can get out there.

Chairman White wants to get out there when the ground is bare and try to get it on the agenda sooner.

Ms. Kline wants to know the building envelope.

Mr. Marquisi says it is on the plan.

Chairman White thinks it is very informative. We can see what you want to do. *The Board will try to set a date for a site walk by early March.*

*Mr. Marquisi summarizes what the Board is requesting: Drainage calculations with respect to the 15" culvert. Information on the wetland impact, temporary and permanent. Rationale as to why this is the best location and why there is no practical alternative.*

Ms. Kline says it is rural residence, so the minimum land area is 40,000 sf.

Mr. Solich says they are over that.

*Ms. Kline wants to know if the septic area qualifies as a building lot.*

There is an exchange as to whether, if the applicant put her building at the proposed septic area instead, she would need to put the septic where the building is.

Mr. Ledgett asks if Mr. Marquisi is familiar with the portion of the code they are discussing. He is.

**5. SKETCH PLAN: CIVIL CONSULTANTS FOR JAMES AND TUDOR AUSTIN, 6 LAWRENCE LANE. APPLICANT IS PROPOSING TO RE-DIVIDE A LOT THAT WAS CONJOINED WITH THE BOARD'S APPROVAL ON NOVEMBER 8, 2001. MAP 18 LOT 35, ZONED SUBURBAN RESIDENCE**

Mr. Ledgett says we saw a plan and have a lot of questions on it.

Mr. Muir says there were questions re: fire arms.

Chairman White and Mr. Ledgett say that is not our issue. Mr. Ledgett says it is resolved.

Mr. Ledgett asks if Mr. Harmon has redrawn the boundaries on the lots. What are the lots?

Planner Noel says it is the original submission.

Mr. Harmon says that the last time there was a question as to a violation of a lot, but the CEO says there is no violation. There was also a question as to normal high water. He did go and find

one lot contains 31,560 sf and the other lot contains 38,000 sf. He would like to know whether to provide the plan as it was or another plan with different lines.

Mr. Ledgett says that would be creating a nonconforming lot.

Mr. Harmon says that the original subdivision did not have that information on it. If the Board thinks that it can't go back to that, then he can realign the subdivision. He will go back and take it from the other lots. He can prepare a plan that shows 40,000 sf on each lot.

Planner Noel says that if the applicant created a lot that contained less than 40,000 sf, then it would be creating a nonconforming lot not in accordance with our code.

Mr. Harmon would like to know how to proceed from here.

*Chairman White says there will have to be a redivision of land.*

*Planner Noel says he will need an amendment to an approved subdivision.*

*Chairman White says it can be granted without public hearing if it is minor and if the public would not want the input. To be safe, we should set it for public hearing.*

*Mr. Harmon says he will provide the Board with a plan with areas to meet the code.*

*Mr. Solich says he would have to show the abutting properties and show that they are in accordance with code also.*

Mr. Ledgett says that it is one piece of property.

Mr. Harmon says the one is 79,000 sf, so he needs more.

*Mr. Harmon says that he needs to give a boundary plan for the other lots from which he will take to make this the right size.*

Mr. Harmon thanks the Board.

## **6. PUBLIC HEARING (CONTINUED) ATTAR ENGINEERING FOR VERNON CONTINUING CARE HOMES, MEETINGHOUSE VILLAGE PHASE II, MAJOR SUBDIVISION (CLUSTER) MAP 8 LOT 41 ZONED URBAN RESIDENCE**

Ken Wood, from Attar Engineering, was hoping to come before the Board seeking approval and say that he had an approval from the ZBA on Tuesday and say that he has shown everything this Board has requested. Unfortunately, we know what happened Tuesday. He thinks this Board should still consider approving this plan. The original approval of December 9, 2003, still stands. He is caught in a little bit of a bind where the ZBA approved one plan, and that the plan has evolved to what you see tonight. He is glad to go through the changes with the Board. He has made the changes the Board requested.

Chairman White says the Board needs to discuss the procedural issue first before getting into the nitty gritty. He asks if the Plan before us is also the one that was before the ZBA this week.

Mr. Wood says it is very similar. The one before the ZBA is the same layout, but does not have the note corrections on it.

Chairman White asks whether the number of buildings and units are the same.

Planner Noel asks about the differences.

Mr. Wood says that the ZBA has what the Board saw January 13, so there are no revisions as outlined in the letter - cluster development notes, perpendicular handicapped parking, etc.

Planner Noel says Mr. Wood was before the ZBA to get approval on changes.

Mr. Wood says the plan the ZBA initially approved had 44 units in 5 buildings. The Plan in front of them Tuesday had 42 units in 4 buildings, which is the same thing as has been before the Board for a while now.

Planner Noel asks about the turn lane on Route 1 and the sidewalk.

Mr. Wood does not think they got into that as far as deliberations.

Planner Noel asks if that was part of the change before them.

Mr. Wood says yes.

Planner Noel says the Board does not have the benefit of Findings of Fact from that meeting, so it is at a bit of disadvantage. Planner Noel has relayed what he had heard.

Mr. Ledgett asks for issues raised at that meeting.

Chairman White says we don't redo what another board does.

Mr. Ledgett says that we don't know what they did.

Mr. Mangiafico says that it would be nice to know what they did. If they didn't like something, then we could ask to change that. It is hard to go forward with it without reading the minutes.

Chairman White thinks it was talked about for an hour or more with no decision.

Mr. Solich says based on a news report, there was a decision - they did not approve it.

Chairman White says the applicant is asking us to deliberate and move ahead with the process where there has been a denial of the special exception and there is an approval from the year before that is still good. Is he right about that?

Mr. Mangiafico says that the DEP and we have asked for changes.

Mr. Wood thinks the time clock stopped while he was at the DEP.

Chairman White wants to know if Mr. Wood had to go back to the ZBA. If he had already been before them and received a special exception, was he back before them because we told him to go?

Mr. Wood says that he was under the impression from the ZBA that he had to go back because of changes to the plan.

Mr. Wood says this is almost the same problem as he had in 2000, when each board approved one and disapproved the other. They have gone through the process. His client has spent a couple hundred thousand. It's a tough process. It is an unusual process. It is not something he has been through with other towns. All plans change. It is tough to believe that the ZBA gets two cracks at it and the applicant can end up walking away with nothing. He does not believe that.

Ms. Kline wants to know if legally right now it is an outstanding issue for the applicant.

Chairman White says that right now it is.

Mr. Muir says that we discussed the ZBA's role in this 4 months ago. We took note of the fact that it says in the ordinance that normally the ZBA rules first. We said amongst ourselves that it was likely to be approved by the ZBA. Now we learned something that we did not know at that time and he thinks it changes the basis upon which we look at it. He does not see how we can do any more on this at this time.

Mr. Solich says especially since one of the reasons that people ruled against it on the ZBA is the tax issue and we can't resolve that. He thinks the ZBA matter has to be resolved before we can go on.

Chairman White says the applicant is entitled to have a decision. When we table something, is



done with the agreement of the applicant. If the applicant is asking us to proceed, do we have grounds to say we are not going to?

Mr. Mangiafico does not think we are complete tonight because he would like to see what the ZBA did. The applicant can ask us to move forward. He wants to look at the ZBA minutes and see if there is anything in there that affects our decision. He agrees with the applicant that this has been difficult. He is not ready to do anything tonight. He wants to know what happened in the ZBA meeting. He read about it.

Durward Parkinson is here representing the applicant. This is an eventful, very emotional issue. The tax exempt status of this project is irrelevant to both boards, as well as the possible closure of the shipyard. He understands Mr. Mangiafico wanting to have those minutes. However, the basic legal point is that these tracks are not linked. Obviously, the Board would have the right to review those minutes. It was about traffic and being too dense. As to the standards, the ZBA did not even vote on the three required findings that they are required to make. If there were a consensus that this Board could move forward subject to getting the ZBA minutes, that would be acceptable.

Mr. Ledgett thinks we need the ZBA minutes and the time to review them.

*Ms. Kline has a clarification on the sidewalk issue. The waivers go back to 2001 and are temporary in place for the purpose of the initial south campus development. She thought there was something about the sidewalks. They are supposed to be completed. Would we need to have another sidewalk waiver?*

*Planner Noel says she raises an interesting point that he needs to research - she has raised this issue before.*

Ms. Kline says that for the original south campus, there were waivers allowed.

Chairman White says that waivers were allowed, but are those things to be provided at this juncture?

Ms. Kline says that because they were temporary, she thought that they were to be provided now.

Mr. Wood did not know. He thinks that sidewalks were to be completed at phase 2. When we proceed beyond deliberation, the first thing to look at is the waiver.

*Mr. Ledgett says that phase 2 has new temporary waivers.*

*Mr. Wood says that sidewalks are to be completed in the next phase or within 5 years.*

*Ms. Kline wants to know if we need a waiver statement for that.*

*Mr. Ledgett thought we did agree to that at the last meeting.*

*Ms. Kline thought so too.*

*Chairman White asks for clarification.*

*Mr. Ledgett says we said the sidewalks were to be initially made of crushed stone, then hardened at the next phase or within 5 years. It wasn't a problem. It's a bookkeeping issue.*

*Mr. Wood says it is Mr. Wood's mistake.*

*Planner Noel needs to review that.*

Chairman White asks if Board thinks that time should be devoted tonight to go over the changes. If we don't stay up to speed, it will be much more difficult to be sure we cover everything.

*Mr. Ledgett says that we need a clear list of items that we need to see and the next time we meet, we can check off the items.*

Chairman White says we have waivers for erosion control and road length. We need one

additional. We have a revised grading and site plan and entrance plan. There is also a document in the record from Russell Plante in our packet. Planner Noel gives a copy to Mr. Wood, who gives it to Atty. Parkinson. He would like to start just with the open space calculations and cluster requirements because we sort of hit on those at the last meeting and the meeting before.

Mr. Ledgett asks about the calculations in Note 11.

Mr. Wood says the first part is just considering the construction of phase 2 when built, the construction of the existing phase 1, the total open space, and the usable open space.

Mr. Ledgett asks if when he does those calculations, he considers the total land area for north and south campuses.

Mr. Wood did not calculate the total amount for one calculation. There are three separate calculations.

Mr. Wood excluded the wetland area for usable open space.

Ms. Kline wants to know how much open land there is in phase 2 that the applicant is working with.

Mr. Wood did not calculate it. Even the limits of disturbance and the phasing line don't go to a boundary.

Mr. Ledgett asks if they are calculating it by leaving the north campus out. The numbers would shift as more was developed.

Mr. Wood says both statements are correct.

*Ms. Kline says in note 4, where he is talking about current zoning and yard setbacks, Mr. Wood has referenced a transitional wetland setback of 30'. We don't have that in our code.*

*Mr. Wood says came from an old note. It is not part of the calculations. Ms. Kline told him to take that out. He thought it was out. He apologizes.*

Mr. Ledgett says re: note 11, it seems to him that the numbers have a very different character associated with them. The first set of numbers are very well known. The set of numbers in the middle is speculative - he is not sure what the grading area is. The set of numbers we are making our decision on is the top 2 lines. He is not sure what the implication is of putting in best guess numbers.

Chairman White says we have asked them in the past to let us know what they envisioned. It has been a difficult thing. We are trying to look at both.

Mr. Ledgett says that at some point, we will hopefully be approving something here. However, in the future, the Board will look at this plan. We need to be careful that they can understand it.

Mr. Mangiafico suggests putting things right on the plan so it's clear.

Mr. Ledgett wants it clear so that someone else can pick it up and know what happened.

Chairman White thinks that it is good to have it there.

Ms. Kline says it says that this approval is as to phase 2 only.

Mr. Mangiafico thought of adding a note 13 to read that the Board approved this for phase 2 only.

Chairman White says it looks to him like the cluster development calculations are correct.

Mr. Wood says they are right on.

Planner Noel agrees.

Mr. Mangiafico asks to change the name phase 2 to current expansion.

Mr. Wood says he will do whatever the Board's pleasure is.

Chairman White does not know that he wants to do that.

Mr. Ledgett likes the current plan because it reduces a potential ambiguity. Future expansions are labeled as such. It used to be less clear when they were called different phases.

Ms. Kline asks what to do about note 1 that refers repeatedly to phases.

Chairman White thinks it is clear that we are not approving anything other than phase 2.

*Mr. Mangiafico thinks that we may want to add in the notes that this is not a phased project as defined by the Kittery Land Use Code.*

*Mr. Wood will put it in Note 1.*

*Chairman White gives the reference: 16-36-080(b).*

Mr. Ledgett is not sure it is important that we say that the project will develop and how. We could just say that expansions are anticipated on the plan. Mr. Ledgett thinks the specifics should be removed and we should just have the general statement.

Mr. Mangiafico thinks that we want specifics on the plan.

Mr. Ledgett wants to get rid of the specifics and terminology phases. There will be a note, "not a phased development in accordance with...." If we simply say it is not a phased development as defined and if we are clear that it is only phase 2 being approved, then it separates the language.

Mr. Mangiafico would like to see the details as to what they are actually proposing.

*Mr. Wood says that he could take the description out of the note and put it into a small table somewhere.*

Mr. Ledgett thinks that the language of the note is still confusing because of the use of the term phase.

Ms. Kline wants an explanation of parking in front of the six plexes for handicapped parking.

Mr. Wood points to them on plan. Because of the grade issue, he had put the spaces next to the spaces on the right. Two spaces go with each sixplex. As we had talked about, he added two before Village Inn.

*Mr. Solich moves to extend the meeting to 10:15.*

*Mr. Ledgett seconds.*

*All in favor except Mr. Muir.*

Mr. Wood does not see a problem with plantings at the Village Inn.

Mr. Mangiafico asks that there not be a lot of tall plantings in that area.

Mr. Wood agrees. It is shown on landscaping.

Chairman White thinks that they met the cluster development standards for the current proposal. If the applicant moves ahead with this in the future, he thinks that there are things that may affect the future plans, such as traffic counts. Does the Board want to address this at all? He knows that we have addressed it before and it was raised before the ZBA.

Mr. Ledgett thinks that last time, we concluded that the traffic count issue is a matter of design standards. We as a Board do not have an issue about the traffic count being used. There was a side discussion on this.

Mr. Mangiafico wants to know if those are really reflective of this type of retirement community.

*Mr. Muir would like the document upon which Mr. Wood relies in the letter.*

Mr. Wood says that the latest edition of ITE reduced that number somewhat.

*Mr. Muir asks if he has the exact table of the traffic impact study. Mr. Muir would like to see the table and the explanation of how to use the table to make a decision. We do not currently have*

*it.*

Mr. Ledgett says that if we agree with that number, then they don't need a second entrance at this juncture.

Mr. Muir says that the limit is 201 trips per day.

Chairman White asks if the facility has a van.

The applicant says no. They use York County Van Service.

Mr. Ledgett says at note 11, change to "total with all anticipated expansion".

Chairman White asks if we are deliberating or just reading.

Ms. Kline says Chairman White brought up a point on the lighting. We need lighting that is shielded.

Mr. Wood says that we have that information on the lighting in his January 2005 submittal.

Ms. Kline did not see where we followed up re: the light specified on the plan. It was on the January 5 plan re: floodlights.

Mr. Wood says there are three floodlights at the carports to illuminate the buildings.

Mr. Mangiafico says they could be lighting up the wetlands.

Ms. Kline says that in other areas of the village, they used pack lighting, wall packs.

Ms. Gagner says they are floods, but look like wall packs.

Mr. Mangiafico says it potentially causes glare for residents coming in.

*Mr. Wood does not think there is any issue in changing the lights from flood to wall pack lights.*

*Ms. Kline says that we need to specify that they should be down directed. We are going for more shielded, directed down onto walkways.*

Mr. Mangiafico does not want the whole parking lot to be lit.

The applicant says that the lights are very low level - 7 watt.

*Chairman White says that we need: the minutes from the ZBA, the waiver for sidewalks, the ITE chart, and the paragraph re: the different areas of housing.*

Chairman White thinks that Mr. Plante has summarized his points well.

Mr. Ledgett asks if we want anything on lighting.

Mr. Solich asks if there are street lights.

Mr. Wood says there are 3 different types of lights.

*Chairman White says to change the flood lights to shielded wall packs or something similar.*

*Chairman White says we could give a copy of our draft lighting ordinance to the applicant.*

*Mr. Wood will get it from Planner Noel.*

Chairman White asks him to get it back as soon as he can so that we can figure out where we are at. He feels like the applicant responded to what was asked, fairly comprehensively. He has made changes to the notes on the plan.

Mr. Mangiafico says the applicant may want to elaborate on the cluster stuff and on what will be left as open space.

*Mr. Mangiafico moves to continue the public hearing for Meeting House Village to the next available meeting date to be scheduled with the Town Planner.*

*Mr. Solich seconds.*

*All in favor.*

## **7. OLD BUSINESS**

None.

## **8. Planner Noel'S TIME**

Planner Noel says with respect to the moratorium, the expiration date is the 19<sup>th</sup>, which is the weekend. Mr. Mangiafico cannot attend. At the next meeting, he tentatively has a representative coming to speak on open space. Last time, he was asked to provide the action lists. They have been pretty lengthy over the last number of months. For those of you who went to the Town Council meeting on the wetland issue with Attorneys Bedard and McEachern, he has a memo asking the Board to consider the words variance and permit. Mr. Ledgett asked for the approved minutes for KPA from January 11, 2005, re: First Step. They are on the agenda for April 10 or 11, the first meeting in April. Mr. Ledgett also requested that Planner Noel track down a letter that Attorney McEachern wrote; he only has half of it. Once Attorney McEachern figures out which letter he is asking for, we will get it. Last, he hands out the approved minutes from January 13, 2005. That's all he has.

## **9. ADJOURNMENT**

Meeting ended 10:17.